New Matter

The Advisory Action rejects the inclusion of specified limitations in the claims as new matter. It is respectfully submitted that limitations are disclosed on page 5, lines 1-14, of the specification and in Fig. 4 of the drawings. Therefore, the inclusion of the specified limitations does not introduce new matter.

Rejection of Claims 1-4 Under 35 U.S.C. § 103

Claims 1-4 are rejected in the Final Office Action under 35 U.S.C. § 103(a) as being unpatentable over Saucier et al. (U.S. Patent No. 5,605,431, herein after referred to as "Saucier") in view of Antoun (U.S. Patent No. 5,951,216, herein after referred to as "Antoun"). This rejection is respectfully traversed.

Saucier discloses a locking wheelchair lift. As stated in the Office Action, Saucier does not teach a variable speed pump in a hydraulic lifting system. Antoun discloses a programmable, variable volume and pressure, coolant system. Antoun discloses changing motor speed to adjust coolant volume and pressure in order to provide sufficient cooling function. Antoun neither teaches nor suggests anything related to adjusting the motion of a lifting device or any other device. It is respectfully submitted that Antoun is in a field of art that is unrelated to the lifting system disclosed by Saucier and the lifting device of the subject application. There would be no incentive for one skilled in the art of lifting devices to combine Antoun with Saucier in inventing a

hydraulic lifting device. Therefore, it is respectfully submitted that the suggested combination is improper.

Moreover, Antoun also discloses in column 3, lines 58-64, that the pump motor 304 is an *AC synchronous motor* and is either single phase or three phase. In AC synchronous motors, *the frequency of the AC voltage supplied to the motor determines the speed of the motor*. For example a motor that turns at 1714 RPM at 60 Hz will turn at 857 RPM at 30 Hz (neglecting slippage caused by torque and inherent motor characteristics).

Claim 1 calls for, among other things, a direct current (DC) electric motor with control circuitry to adjust the speed of said DC electric motor and thereby the speed of the platform. A combination of this and the other elements specified in claim 1 is neither taught nor suggested by Saucier and Antoun, either singly or in combination (even if one were to improperly combine them). Therefore, claim 1 is allowable over Saucier in view of Antoun.

Claims 2-4 depend from claim 1 and are allowable over Saucier in view of Antoun for at least the same reasons as claim 1.

Rejection of Claim 5 Under 35 U.S.C. § 103

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Saucier in view of Antoun, and further in view of Neagu (U.S. Patent No. 4,836,736, herein after referred to as "Neagu"). This rejection is respectfully traversed.

As respectfully pointed out above, claim 1 is allowable over Saucier in view of Antoun. Neagu discloses a level ride

lift gate with ramping action platform. It is respectfully submitted that Neagu does not teach or suggest any combination of elements specified in claim 1 beyond Saucier and Antoun. Therefore, claim 1 is allowable over Saucier in view of Antoun and further in view of Neagu.

Claim 5 depends from claim 1 and is allowable over Saucier in view of Antoun and further in view of Neagu for at least the same reasons as claim 1. Claim 5 further sets out said control circuitry including a variable resistance circuit. A combination of this and the other elements specified in claim 5 is neither taught nor suggested in Saucier, Antoun, and Neagu, either singly or in combination even if one were to improperly combine them), further precluding the obviousness of claim 5.

Rejection of Claim 6 Under 35 U.S.C. § 103

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor et al. (U.S. Patent No. 4,457,401, herein after referred to as "Taylor") in view of Antoun. This rejection is respectfully traversed.

Taylor discloses an above-the-floor hydraulic lift. As stated in the Office Action, Taylor does not teach a variable speed pump in a hydraulic lifting system. Antoun neither teaches nor suggests anything related to adjusting the motion of a lifting device or any other device. It is respectfully submitted that Antoun is in a field of art that is unrelated to the lifting system disclosed by Taylor and the lifting device of the subject application, and there would be no incentive for one skilled in the art of lifting devices to combine Antoun with Taylor. Therefore, it is respectfully

submitted that the combination of Taylor with Antoun asserted in Office Action is improper.

Antoun also discloses in column 3, lines 58-64, that the pump motor 304 is an AC synchronous motor and is either single phase or three phase. In AC synchronous motors, the frequency of the AC voltage supplied to the motor determines the speed of the motor. For example a motor that turns at 1714 RPM at 60 Hz will turn at 857 RPM at 30 Hz (neglecting slippage caused by torque and inherent motor characteristics).

Claim 6 calls for, among other things, a direct current electric motor with variable resistance control circuitry or actuation of a pump and hydraulic apparatus so that speed of motion of said platform is variable. A combination of this and the other elements specified in claim 6 is neither taught nor suggested in Taylor and Antoun, either singly or in combination (even if one were to incorrectly combine them). Therefore, claim 6 is allowable over Taylor in view of Antoun.

New Claims 7-20

New claims 7-20 include the claim elements of DC motor and control circuit. Combinations of these and other elements specified in claims 7-20 are novel and non-obvious in view of the relied on references. Therefore, claims 7-20 are patentable over the relied on references.

CONCLUSION

In view of above, claims 1-20 currently pending in the subject application are believed to be allowable and the subject application is in condition for allowance. Such action is respectfully requested.

A Request for Continued Prosecution has been made in this Amendment and Response to Final Office Action. The Commissioner is hereby authorized to charge any additional fees to Manatt, Phelps & Phillips' Deposit Account No. **50-1847** or to credit any overpayment to the same for all matters during the prosecution of the subject application.

Respectfully submitted,

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APPENDIX A

MARKED UP VERSION OF AMENDED CLAIMS

1. (Once Amended) In a lift device [of the type appended to a vehicle, said lift device] having a platform movable between a lower [or ground] position, an upper [or load] position, and a stowed position, [said platform assuming a substantially horizontal orientation in said ground or load position] and [pivotable to a substantially vertical orientation when stowed for vehicle movement, said platform being] connected to a lever arm assembly and a [further including] hydraulic apparatus [to move said platform between ground, load and stowed positions, said hydraulic apparatus being] actuated by a pump and motor assembly, the improvement comprising providing [an] a direct current (DC) electric motor with control circuitry to adjust the speed [for actuation] of said DC electric motor [pump] and thereby the [hydraulic apparatus so that] speed of [motion of] the platform. [is directly proportional to the speed of said motor.]

2. (Once Amended) In the [The] lift device of claim 1, the [wherein said] lever arm assembly [comprises] comprising at least one parallelogram structure.

3. (Once Amended) In the [The] lift device of claim 1, [wherein said speed of] said control circuitry in the pump and motor assembly being [is] selected so that [said] the platform moves more slowly when pivoting from [horizontal] and to [vertical orientations] the stowed position than when [said] the platform moves [from ground to load] between the lower and upper positions.

4. (Once Amended) In the [The] lift device of claim 1, the platform assuming [wherein said lift device is] a [wheelchair lift] substantially horizontal orientation in the lower or upper position and pivotable to a substantially vertical orientation in the stowed position.

5. (Once Amended) In the [The] lift device of claim 1, [wherein] said [lift device is] control circuitry including a [tailgate lift] variable resistance circuit.

6. (Once Amended) In a lift device of the type used to raise a vehicle vertically for enabling ready access to the vehicle's undercarriage, said lift device comprising a platform for supporting a vehicle movable from ground to an elevated position and back to ground again, the improvement comprising providing [an] a direct current electric motor with variable resistance control circuitry [or] for actuation of a pump and hydraulic apparatus so that speed of motion of said platform is [directly proportional to the speed of the motor] variable.